

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Sep 15, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Dennis R. Penfield

Case Number: 0980 2:04CR00165-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: June 7, 2005

Original Offense: Possession with Intent to Distribute a Mixture or Substance Containing a Detectable Amount of Methamphetamine, 21 U.S.C. §§ 841(a)(1) and 851;
 Possession with Intent to Distribute 5 Grams or More of Actual (Pure) Methamphetamine, 21 U.S.C. §§ 841(a)(1) and 851;
 Possession with Intent to Distribute 50 Grams or More of Actual (Pure) Methamphetamine, 21 U.S.C. §§ 841(a)(1) and 851

Original Sentence: Prison - 240 Months; Type of Supervision: Supervised Release
 TSR - 120 Months

Asst. U.S. Attorney: Daniel Hugo Fruchter Date Supervision Commenced: August 12, 2020

Defense Attorney: John Barto McEntire, IV Date Supervision Expires: August 11, 2030

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 06/23/2022, 10/25/2022, 02/08/2023, 03/06/2023, and 03/13/2023.

On August 12, 2020, a supervision intake was completed, at which time the conditions of Mr. Penfield's release were reviewed with him. Mr. Penfield signed a copy of his judgment, acknowledging an understanding of the conditions imposed by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

| | |
|---|---|
| 9 | <u>Special Condition #16:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer. |
|---|---|

Supporting Evidence: Mr. Penfield is alleged to have violated special condition number 16 by ingesting fentanyl, as previously occurring on or about September 10, 2023, based on urinalysis testing.

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Specifically, on September 15, 2023, the undersigned officer was advised by executive staff with the Spokane Residential Reentry Center (RRC), where the client was residing, that the client had submitted to random urinalysis testing with the agency on September 10, 2023. Executive staff further advised of their receipt of the respective lab report, and did provide the lab report for review to the undersigned officer. The lab report confirms the client's urinalysis sample submitted on September 10, 2023, was confirmed positive for norfentanyl, a metabolite of fentanyl.

- 10 **Special Condition #19:** You must reside in a residential reentry center (RRC) for a period up to 180 days at the direction of the supervising officer. Your participation in the programs offered by the RRC is limited to employment, education, treatment, and religious services at the direction of the supervising officer. The defendant shall abide by the rules and requirements of the facility.

Supporting Evidence: Mr. Penfield is alleged to have violated special condition number 19 by being unsuccessfully discharged from the Spokane Residential Reentry Center (RRC) on September 15, 2023.

Specifically, on September 15, 2023, the undersigned officer received notification from RRC executive staff that the client was being unsuccessfully discharged from services on the day in question due to a received laboratory testing report that confirmed the presence of norfentanyl, a metabolite of fentanyl, as present in a urinalysis sample submitted by the client at their facility on September 10, 2023.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 15, 2023

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

9/15/2023

Date